

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2013 - 417

13 **STEPHANIE LEE MADISON,**
14 **aka STEPHANIE LEE PHARISS**

Respondent.

STATEMENT OF ISSUES

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
18 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
19 Department of Consumer Affairs.

20 2. In or about December, 2011, the Board received an application for a registered nurse
21 license from Stephanie Lee Madison, also known as Stephanie Lee Phariss ("Respondent"). On
22 or about December 15, 2011, Respondent certified under penalty of perjury to the truthfulness of
23 all statements, answers, and representations in the application. The Board denied the application
24 on March 19, 2012.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that
27 the Board may deny a license when it finds that the applicant has committed any acts constituting
28 grounds for denial of licensure under section 480 of that Code.

1 4. Code section 2761 states, in pertinent part:

2 The board may take disciplinary action against a certified or licensed
3 nurse or deny an application for a certificate or license for any of the following:

4

5 (f) Conviction of a felony or of any offense substantially related to the
6 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof . . .

7 5. Code section 2765 states:

8 A plea or verdict of guilty or a conviction following a plea of nolo
9 contendere made to a charge substantially related to the qualifications, functions and
10 duties of a registered nurse is deemed to be a conviction within the meaning of this
11 article. The board may order the license or certificate suspended or revoked, or may
12 decline to issue a license or certificate, when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence, irrespective of a subsequent
order under the provisions of Section 1203.4 of the Penal Code allowing such person
to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information or indictment.

14 6. Code section 480 states, in pertinent part:

15 (a) A board may deny a license regulated by this code on the grounds that
16 the applicant has one of the following:

17 (1) Been convicted of a crime. A conviction within the meaning of this
18 section means a plea or verdict of guilty or a conviction following a plea of nolo
19 contendere. Any action that a board is permitted to take following the establishment
20 of a conviction may be taken when the time for appeal has elapsed, or the judgment
of conviction has been affirmed on appeal, or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under
the provisions of Section 1203.4 of the Penal Code.

21 (2) Done any act involving dishonesty, fraud or deceit with the intent to
substantially benefit himself or another, or substantially injure another; or

22 (3)(A) Done any act that if done by a licentiate of the business or
23 profession in question, would be grounds for suspension or revocation of license.

24 (B) The board may deny a license pursuant to this subdivision only if the
25 crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made . . .

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1 7. California Code of Regulations, title 16, section 1444 states, in pertinent part:

2 A conviction or act shall be considered to be substantially related to the
3 qualifications, functions or duties of a registered nurse if to a substantial degree it
4 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

5

6 (c) Theft, dishonesty, fraud, or deceit . . .

7 **FIRST CAUSE FOR DENIAL**

8 **(Criminal Conviction)**

9 8. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
10 subdivision (f), and 480, subdivisions (a)(1) and (a)(3)(A), in that on or about December 15,
11 2004, in Butte County Superior Court, Case Number CM020149, Respondent pled nolo
12 contendere to violating Penal Code section 487, subdivision (a) (grand theft), a felony, a crime
13 substantially related to the qualifications, functions, and duties of a registered nurse. On
14 December 9, 2009, Respondent's conviction was reduced to a misdemeanor pursuant to Penal
15 Code section 17, subdivision (b)(3). The circumstances of the crime are as follows: In or about
16 2003, Respondent stole or took an unknown amount of money from the Parent Teachers
17 Association at her children's school while she was the Parent Teachers Association treasurer.

18 **SECOND CAUSE FOR DENIAL**

19 **(Dishonesty, Fraud or Deceit)**

20 9. Respondent's application is subject to denial pursuant to Code section 480,
21 subdivision (a)(2), in that Respondent committed an act involving dishonesty, fraud, or deceit
22 with the intent to substantially benefit herself or another, or substantially injure another, as set
23 forth in paragraph 8 above.

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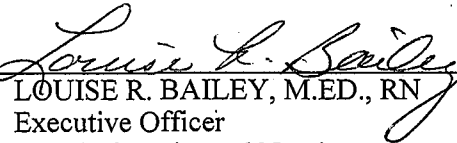
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Stephanie Lee Madison, also known as Stephanie Lee Phariss, for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 21, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2012105842